

# Ombudsperson annual report 2019- 2020

To: Council

By: Isabelle Turgeon, Student Ombudsperson

Montreal, November 3, 2020

It is my pleasure to submit the Student Ombudsperson annual report, as required by Article 220.2 of the *Education Act* and section 4.3 of the By-Law no. 9. I have been nominated by the Council of commissioners in October 2019 as a substitute Ombudsperson. Since July 1, 2020, I am temporarily replacing the Student Ombudsperson, Laurence Sarrazin. This report covers the period from October 1, 2019 to September 30, 2020.

The Student Ombudsperson is an independent, neutral, and impartial individual, nominated by the Council of commissioners and mandated to inform students or parents about the complaint examination procedure and direct their inquiries to the appropriate person in accordance with the By-Law.

She does not provide legal opinions to parents, students, or the School Board personnel. Also, the Student Ombudsperson has jurisdiction over a complaint filed by a parent or student which concerns the services the school board provides under the *Education Act* and involves dissatisfaction with the handling of the complaint or with the outcome. The Student Ombudsperson intervenes when complainant exhausted all internal recourses. Exceptionally, she can intervene even if all recourses have not been exhausted only to prevent a serious prejudice to a student. The Student Ombudsperson investigates and gives her opinion on the merits of a complaint to the Council of commissioners and, if needed, recommends corrective measures. The Student Ombudsperson may also refuse or cease to examine a complaint if she has reasonable cause to believe that intervening would clearly serve no purpose or the length of time having elapsed between the events that gave rise to the dissatisfaction of the user and the filing of the complaint makes it impossible to examine the complaint. She can also decide, upon summary examination, to dismiss the complaint if, in the Student Ombudsperson's opinion, it is frivolous, vexatious or made in bad faith.

The Student Ombudsperson benefits from the valuable collaboration of the School Board's Secretary General, Me Geneviève Dugré, in order to assist promptly the complainants.

This year, a small increase in the number of interventions held by the Student Ombudsperson is observed, going from 100 in 2016-17 to 69 in 2017-18, to 64 in 2018-2019 and 72 in 2019-20. Considering the size of the community, the numbers of requests for assistance and complaints are small.

Most of the requests are to obtain information regarding the complaint examination procedure of the School Board or to explain their issues and concerns regarding a particular situation. The

Student Ombudsperson listens to parents and students concerns, invites them to fill out the complaint form to be remitted to the Secretary general who will then refer them to the appropriate person at the School Board in accordance with the Regulation regarding the complaint examination procedure. The vast majority of the complaints are resolved at the level of the school or the regional director. Most of the contacts were made with parents or students over 18 years old. No complaint was received directly from an elementary or high school student. Some unusual situations brought more than one contact with the complainant. For example, some unsatisfied parents contacted the Ombudsperson in the Spring regarding COVID-19 and were directed to the Ministry of Education. It was also the case when an event occurred involving students and race-related issues. In the vast majority of cases, the Student ombudsperson do not hear back from the complainant once it is referred.

The table below represents the data regarding the requests for assistance during the year 2019-2020, ending September 30, 2020. The charts break down the interventions into different categories. Those categories are an adaptation of the categories listed in the Uniform Reporting Categories published by the International Ombudsman Association in October 2007. It also describes the profile of those who contacted the Student Ombudsperson.

Also, only one investigation had been requested, which is similar to last year. It should be noted that one complaint submitted to the Student ombudsperson got resolved to the satisfaction of all parties involved before the investigation even started. In addition, another complaint was not investigated because the complainants did not respond to the information requested by the Student Ombudsperson.

The investigation carried out by the Student ombudsperson led to a report which was submitted to the Council of Commissioners, and then referred to the Governance and Ethics Committee for review. The recommendations in the report are expressed in the following way in the Council of Commissioners' Resolution number 2020-05-#04 adopted on May 25, 2020:

- a. Remind the school staff of their right to a healthy, safe, and dignified working environment, exempt from harassment and abuse and how to get assistance if needed;
- b. Remind students, parents and staff of resources available to them to report the inappropriate behavior of another student or staff member;
- c. Review By-law # 9 (Complaint Examination Procedure) to clarify:
  - The rules on how to make complaints related to the conduct of employees of the school board and the confidential treatment of these complaints;
  - The right of complainants to ask for clarifications regarding the application of any decision rendered in the course of the complaint examination process and that these clarifications be communicated in a reasonable delay;
- d. Other recommendations specific to the file number SO 2020-02/01, to which the Administration agrees.

By Resolution, mentioned above, the Council of commissioners agreed to the Student ombudsperson's recommendations and mandated the School Board's Administration to carry out recommendations a. and b.. It was also decided to complete the review of the Complaint Examination Procedure, By-law #9, which was already under way.

Section 220.2 of the *Education Act* requires that the Student ombudsperson's report contain a specific section for complaints of bullying and violence. The Student ombudsperson encountered 2 requests for assistance by parents related to incidents of bullying. It should be mentioned that both parents were referred to the Administration in accordance to the Complaint examination procedure and no immediate intervention by the Student Ombudsperson was justified.

On a personal note, I would like to express my gratitude to the Lester B. Pearson School Board personnel who responded to my requests for assistance in a promptly manner. I wish to express a special thank you to Me Geneviève Dugré for her assistance, availability and always keeping me informed of the complaints' status. Also, I would like to thank Laurence for facilitating my entry into function by informing me of ongoing files, and her valuable input into the completion of this report. I want to express my gratitude to the parents and students who put their trust in me, as student ombudsperson, by confiding in me about their concerns and issues. I wish everyone a great school year.

Respectfully submitted,

*Isabelle Turgeon*  
Isabelle Turgeon

*Laurence Sarrazin*  
Laurence Sarrazin

**Complaints by Status**

| Level of Education   | Students | International Students | Parents | Total | Investigation |
|----------------------|----------|------------------------|---------|-------|---------------|
| Elementary           |          |                        | 32      | 32    |               |
| High School          | 1        |                        | 29      | 30    | 1             |
| Vocational education | 5        | 5                      | 1       | 11    |               |
| Adult education      |          |                        |         |       |               |
| Total                |          |                        |         | 73    |               |

\*\*\*take note that the total of complaints amounts to 73 because one (1) complaint was filed by both student and parent

**Complaints by Categories**

| 1. Evaluative Relationship/Teacher-student relationship | N | %    |
|---|---|------|
| 1b) respect treatment                                   | 3 | 4.2% |
| 1f) bullying mobbing                                    | 2 | 2.8% |
| 1g) diversity related                                   | 1 | 1.4% |

|   |    |       |
|---|----|-------|
| 1j) assignments schedules   | 1  | 1.4%  |
| 1l) Consultation  | 2  | 2.8%  |
| 1m) performance appraisal /grading                                    | 2  | 2.8%  |
|   | 11 | 15.4% |
| 2. Services /administrative issues                                    |    |       |
| 2a) quality of services   | 4  | 5.5%  |
| 2b) Responsiveness / Timeliness                                       | 4  | 5.5%  |
| 2c) Administrative decisions and interpretation /application of rules | 26 | 36.1% |
| 2d) Behavior of service providers                                     | 4  | 5.5%  |
|   | 38 | 52.7% |
| 3. Legal, regulatory, financial and compliance                        |    |       |
| 3b) Business and financial practices                                  | 1  | 1.4%  |
| 3d) Discrimination  | 1  | 1.4%  |
| 3e) Disability, temporary or permanent, reasonable accommodation      | 6  | 8.3%  |
| 3j) Other   | 1  | 1.4%  |
|   | 9  | 12.5% |
| 4. Organizational, strategic, and mission related issues              |    |       |
| 4a) Strategic and mission related strategic and technical management  | 2  | 2.8%  |
| 4c) Use of positional power / Authority                               | 5  | 6.9%  |
| 4d) Communication   | 2  | 2.8%  |
| 4e) Restructuring and Relocation                                      | 1  | 1.4%  |
| 4f) Organizational climate  | 1  | 1.4%  |
| Total section 4   | 11 | 15.3% |
| 5. Values, ethics, and standards                                      |    |       |
| 5a) Standards of conduct  | 1  | 1.4%  |
| 5b) Values and culture  | 2  | 2.8%  |
| Total section 5   | 3  | 4.2%  |
|   |    |       |
| Total   | 72 | 100%  |